

NRDA Agreement with Georgia-Pacific Announced

By Greg Swanson, Wisconsin Department of Natural Resources

At a June 20 press conference at Ashwaubomay Park in Ashwaubenon, the natural resource trustees for the Lower Fox River and Green Bay announced a proposed natural resource damage assessment agreement with the Fort James Operating Company, a subsidiary of Georgia-Pacific Corp. The trustees are the Wisconsin Department of Natural Resources, Oneida Tribe of Indians of Wisconsin, Menominee Indian Tribe of Wisconsin, and the U.S. Fish and Wildlife Service representing the federal agencies. The agreement does not resolve Georgia-Pacific's

liability in the polychlorinated biphenyl cleanup, which is being addressed separately.

The basis for the agreement, reached through the cooperative efforts of the trustees and the Wisconsin and U.S. Departments of Justice, is for restoration and recreation projects on or adjacent to the Fox River and Green Bay. The selected projects were chosen from a comprehensive list created by the trustees working with local communities, organizations and individuals over the past several years. The projects being addressed in this

settlement represent the priority requests sought by the communities, with the trustees acting to facilitate funding by Georgia-Pacific.

According to DNR Secretary Darrell Bazzell, "The set of projects in this agreement are very significant in assuring the long-term protection and restoration of the Lower Fox River and Green Bay ecosystem." Bazzell went on to say, "This settlement is also significant in that it represents both a spirit of cooperation among the trustees and the kind of ongoing progress that everyone wants to see in the restoration and cleanup of the Lower Fox River and Green Bay."



Oneida Tribal Chair Gerald Danforth speaks to press as DNR Secretary Darrell Bazzell (left) and FWS Regional Director William Hartwig (right) look on.

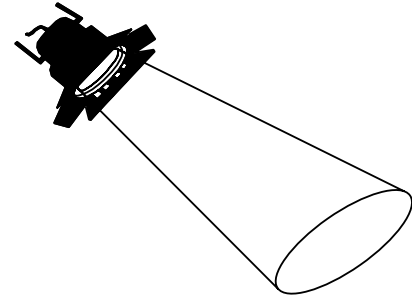
See NRDA Agreement, page 4

In response to reader requests, the Fox River Current will regularly feature successful natural resource damage assessments similar to what may occur at the Lower Fox River.

Spotlight On:

Grand Calumet River

By Susan Pastor, U.S. Environmental Protection Agency



The Grand Calumet River winds its way through northwestern Indiana passing Gary's factories, housing developments and refineries. In the middle of this urban sprawl, 15 miles southeast of Chicago, is a rare sandy, marshy area comprised of a series of low beach ridges (dunes) interspersed with low, wet depressions called swales. In these dune and swale areas, there are savannas, prairies and swamps that support many different plants and animals, including several that are considered to be threatened, endangered, or of special concern by state and federal governments.

A number of manufacturing facilities released oil and toxic substances into the river throughout much of the 20th century. Although these contaminants have affected the water quality in the river and sediment in the riverbed, the waterway continues to host fish and wildlife including some rare species like the bald eagle, peregrine falcon and Indiana bat.

In particular, the eastern five miles of the Grand Calumet River have been affected by the release of pollutants by the U.S. Steel's (USX) Gary Works. In operation since 1909, the company's mill released polychlorinated biphenyls, oil, benzene, cyanide and heavy metals into the river. Because of these releases, resources such as fish, birds, other endangered species, surface and ground waters, and state and federal lands have been harmed. Sediment



The Grand Calumet River passes through one of Indiana's most heavily industrialized areas. Photo by Dan Sparks, FWS.

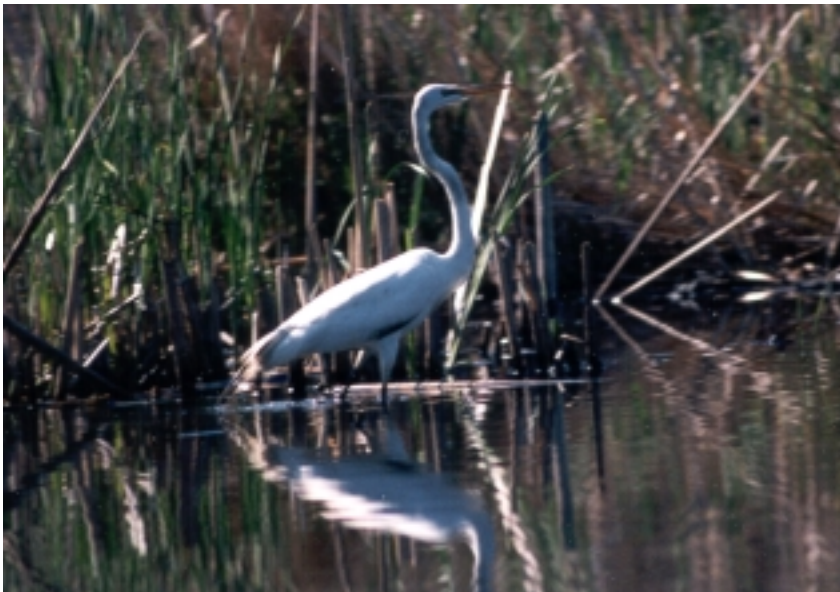
contamination in the riverbed has reduced or eliminated much of the aquatic community and continues to occasionally kill fish and migratory birds. In addition, contaminants are re-suspended from sediment into the water column and travel downstream to Lake Michigan.

The U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service on behalf of the U.S. Department of the Interior and State of Indiana have an ongoing effort to clean up the river through a 1998 U.S. Department of Justice settlement. It requires USX to stop releasing contaminants into the environment and to dredge the eastern five-mile segment. The dredging project, which will cost USX about \$30 million, will completely remove contaminated sediment from the riverbed and place it in a safe, sealed storage area.

According to FWS biologist Dan Sparks, USX originally sampled 36 areas of the river's five-mile stretch and proposed dredging some of them. After reading the company's report, FWS did its own investigation and learned that a high percentage of toxic sediment was not going to be removed. "If that sediment was left behind, the river would never recover," Sparks said.

USX now plans to dredge all 36 areas which amount to several hundred thousand cubic yards of contaminated sediment. "After that 'pre-remedial' report was published, it became clear to everyone involved that all of the sediment needed to be removed," Sparks added.

To restore damaged resources, USX agreed to support restoration of the in-stream habitat for fish and aquatic life in the river and will also enhance streamside habitat along the waterway. First, to help replace lost resources, USX acquired 139 acres of dune and swale habitat that has become part of the National Park Service's Indiana Dunes National Lakeshore. Also, the Indiana Department of Natural Resources received 77 acres of land along nearby Salt Creek. Finally, USX will pay the natural resource trustees \$1 million to monitor the success of the restoration project.



An egret in the Grand Calumet River has oiling on its right wing and half way down its neck showing how far it has put its head under the water. Photo by Dan Sparks, FWS.

In addition to benefiting the wildlife that depends on the river, restoration of the natural resources will make the human environment a better place to live. The restoration will increase recreational opportunities and provide cleaner water and a more pleasing landscape.

Sparks, who has worked on the Grand Calumet River natural resource damage assessment since 1990, agreed and explained why this is important. "The area is extremely unique in that many diverse habitat types that attract a wide array of birds are present," he stated. "When the migrating birds arrive at the toe of the lake, they will often stop for a rest in the first available habitat. It's a migration corridor. Southern Lake Michigan is like a huge funnel that accounts for the high concentrations of fall migrants. They use these wetlands as a transition to further migrate. It's really a globally rare ecosystem."

He also said the area is home to many rare species including the Blandings turtle, which is listed as a state-endangered species. He added that many adult turtles spend most of their time in the river, but breed in the wetlands between the sand dunes.

Sparks, an FWS employee for 16 years, said the USX settlement and restoration program is a good example of what can happen when state and federal partners work together. "We have had a great working relationship with the State of Indiana since 1990," he said. "We have a memorandum of understanding to work on natural resource damage issues. It was signed in 1993 by FWS on behalf of DOI, Indiana Department of Environmental Management and Indiana DNR and was one of the first of its kind in the nation. None of us has all the answers, so we work together."

For further information on the Grand Calumet River NRDA, contact Dan Sparks at (812) 334-4261 x 219, or refer to the FWS Web site at <http://www.fws.gov>.

From NRDA Agreement on page 1

The proposed settlement provides for the acquisition of 1,063 acres of ecologically significant threatened habitat on the west shore of Green Bay. It also provides funding for 11 recreational projects in seven municipalities in Brown County, several specific habitat restoration projects and the establishment of a land acquisition fund and a water quality enhancement fund. Additionally, Georgia-Pacific agreed to reimburse DNR and FWS for NRDA expenses and the U.S. Environmental Protection Agency for oversight of the Sediment Management Unit 56/57 pilot cleanup project. (For more information, see fact sheet insert.)

FWS Regional Director William Hartwig added, "This settlement, with projects like the Cat Island restoration, will provide tremendous benefits to the fish and wildlife resources, as well as the citizens, of the Lower Fox River and Green Bay. The settlement is a great illustration of how partners, working together for a common purpose, can achieve their goals."

Oneida Tribal Chair Gerald Danforth described how important the agreement is to the tribe. "Almost 200 years ago, the Oneida people chose to live here because natural resources were abundant enough to supply food and shelter," he said. "This settlement allows the tribe to begin the design work to develop a lake within the reservation boundaries, restore natural resources and build on the values that brought us here in 1822."

Ashwaubenon Village President Ted Pamperin, noting that one of the settlement's significant projects is the construction of the Fox River Riverwalk connecting Ashwaubomay Park and the National Railroad Museum, said, "This settlement represents a very positive forward step for Ashwaubenon. When the trustees came to us asking what projects were most important to the village, we saw a great opportunity to better use the riverfront."

The public comment period on the proposed settlement runs through August 4. Copies of the agreement are available for viewing at the five Fox Valley-area information repositories and the DNR's Lower Fox River Web page. Copies can also be purchased from U.S. DOJ. Information on how to purchase copies as well as where to send public comments is available in the Federal Register Notice at: http://www.access.gpo.gov/su_docs/aces/aces140.html. Scroll down and check "2002 Federal Register, Vol. 67." Scroll down further and check the "Notices" section. Under "Issue Date," select "On" and fill in the date: "07/05/2002." Under "Search Terms," type in "Lower Fox River" and click on "Submit."

Georgia-Pacific Settlement to Help Protect Area Wetlands, Habitat

By Tom Nelson, Oneida Tribe of Indians of Wisconsin

Over 1,000 acres of wetlands and critical habitat along the west shore of Green Bay and its tributaries will be protected, thanks to the recent natural resource damage assessment settlement between Georgia-Pacific and the Lower Fox River Natural Resource Trustees.

This acreage represents 18 to 24 percent of the wetland habitat estimated as appropriate compensation in the trustees' October 2000 *Restoration and Compensation Determination Plan*. Through this settlement, the trustees, comprised of Wisconsin Department of Natural Resources, Oneida Tribe of Indians of Wisconsin, Menominee Indian Tribe of Wisconsin and U.S. Fish and Wildlife Service representing the federal agencies, will be able to protect a critical ecosystem.

Although the area might appear to be nothing more than pasture land for a few horses, a closer look reveals much more. The wetlands are home to mallards, sparrows, eastern kingbirds, blue heron

and yellow warblers. Although important to the environment, habitat for these birds is not defined as “critical” habitat.

An even closer look will lead to water flowing toward Green Bay. Minnows, white suckers and northern pike race upstream and downstream, serving as prey and predators. Many species of fish depend on wetlands as breeding and nursery areas. Preserving these places will help the trustees restore the local fishery for humans and wildlife.

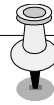
Doug Hartman, manager of Green Bay’s Barkhausen Waterfowl Preserve, explained the importance of wetlands. “You can’t beat a wetland for diversity,” he said. “The variety of fish, birds, mammals and amphibians that depend on wetlands for a part of their lives is amazing.”

Pat Pelky, Oneida Environmental, Health and Safety Area Manager, is pleased that there is movement toward improving the quality of the Fox River and Green Bay. “All of our waterways are tributaries to Green Bay or the Fox River, so even though many of the protected wetlands are outside the reservation boundaries, anything that improves the Fox River and Green Bay ecosystems will show benefits for tribal members,” he said. “From the beginning, it has been our goal to restore the entire ecosystem.”

Michigan Attorney General Joins Natural Resource Trustees

By Greg Swanson, Wisconsin Department of Natural Resources

The Michigan attorney general, representing the interests of the state of Michigan, has joined the natural resource trustees for the Lower Fox River and Green Bay. The addition of the attorney general brings to seven the number of intergovernmental partners acting to restore the natural resources to, and clean up the contamination of, the Fox River and Green Bay.



Out and About...

By Greg Swanson, Wisconsin Department of Natural Resources

The Fox River Intergovernmental Partnership, made up of the U.S. Environmental Protection Agency, Wisconsin Department of Natural Resources, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, Oneida Tribe of Indians of Wisconsin and Menominee Indian Tribe of Wisconsin, regularly provides speakers to organizations in the Fox Valley area. The following partners recently made presentations:

May

- ◆ *Tom Nelson*, Oneida, and *Colette Charbonneau*, FWS: Lake Michigan Fisheries Forum Meeting, Green Bay; NRDA settlement funding.
- ◆ *Jim Hahnenberg*, EPA: Northeast Wisconsin Technical College, Green Bay; Fox River Remediation Plan.
- ◆ *Greg Hill*, DNR, *Tom Nelson*, Oneida, and *Colette Charbonneau*, FWS: Ad Hoc Watershed Group, Green Bay; Green Bay proposed restoration project development.
- ◆ *George Boronow*, DNR, *Tom Nelson*, Oneida, and *Colette Charbonneau*, FWS: Bay Beach Wildlife Sanctuary, Green Bay; Green Bay proposed restoration project development.

Profile On . . . Tom Nelson

Oneida Environmental Specialist Has A Dream Job

By Susan Pastor, U.S. Environmental Protection Agency

When Tom Nelson was about 10 years old, he was told to stay out of the waters of Green Bay because of “pollution,” even though nobody knew what kind of pollution. Although he heeded the warnings about the bay, he continued to play in its wetlands along the west shore. He and his friends would camp in the marsh, look out into the bay at night and dream of what was out there.



Tom Nelson

Today, Nelson is an environmental specialist for the Oneida Tribe of Indians of Wisconsin. As the only Oneida employee working full time on the Lower Fox River cleanup and restoration projects, Nelson, 50, said this job has helped him realize a “childhood dream.” “I thought it was terrible that we had this river and bay and couldn’t use it,” he said. “People knew, even back then.”

As the tribe’s representative on the natural resource damage assessment trustee council, the lifelong Green Bay resident is playing a major role in helping to restore his old stomping grounds.

“I find the NRDA part of the project enjoyable because it’s going to restore Cat Island, protect wetlands and allow fish to be caught again,” he said.

Nelson, who has worked for Oneida for seven years, was assigned to the Fox River almost immediately after he was hired. Prior to coming to the tribe, Nelson, who has a bachelor’s degree in chemistry with a minor in environmental science from University of Wisconsin-Green Bay, worked as an environmental consultant in the Green Bay area. Although he liked working as a consultant, he said he really wanted to work in the regulatory field.

Shortly after landing his job with Oneida, he discovered that working for tribal government was unlike what he had experienced in the private sector. “It’s a lot different because you have to take a different perspective,” he explained. “One concept that was hard to get used to at first was planning for seven generations, including current generations. When you are done, a generation down the road can say, ‘You’ve done a good job.’”

Nelson is hoping that current and future generations will reap the benefits from the NRDA settlements with which he has been involved. Part of the restoration dollars will be spent on a lake to be built on the reservation. Although design could begin next year, the entire project may take as long as nine years to complete. “The community knows we are planning to build a lake,” he continued, “and we will pick a location to meet the community’s needs.”

The lake will help to instill a sense of culture in Oneida’s younger residents, according to Nelson. It will have the proper hydrology, geology and aquatic plants to sustain the fish with which it will be stocked. Popular eating fish such as trout or walleye will be available to fishermen, based on community input.

See Profile, page 7

Profile from page 6

“We’ll have a complete ecosystem,” he stated. “To do this, we will even stock insects along with the fish, if that’s what it takes.”

Sustenance fishing is something that Oneida’s younger residents have not been able to experience in a long time, according to Nelson. “After the fish consumption advisories were issued in the 1970s along the Fox and its tributaries, people started backing away,” he said. “So, we have a whole generation of kids who don’t know what it’s like to go fishing in reservation waters.”

Nelson, who enjoys outdoor activities like winter camping, cross-country skiing and snowshoeing with his two sons, is looking forward to seeing progress being made on the lake and other restoration projects. He concluded, “I would like to be able to see people consume fish again without worry.”

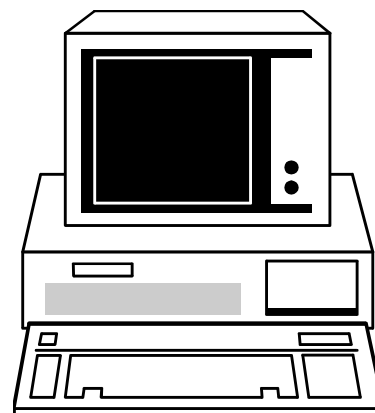
Check out these Web sites:

<http://www.dnr.state.wi.us/org/water/wm/lowerfox/>

<http://www.epa.gov/region5/foxriver/>

<http://www.fws.gov/r9dec/nrdar/nrdamain.html>

<http://www.fws.gov/r3pao/nrda/>

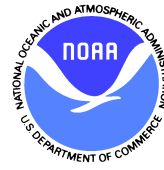
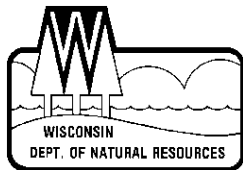
**Information Available at Local Libraries**

The Intergovernmental Partners invite the public to review technical reports, fact sheets and other documents related to the Lower Fox River cleanup at information repositories set up in the reference sections of the following local libraries. Information repositories at the public libraries in DePere, Kaukauna, Little Chute, Neenah and Wrightstown have been discontinued. However, binders containing fact sheets will be mailed to and maintained at these locations as well as at the repositories listed below.

- **Appleton Public Library**, 225 N. Oneida St., Appleton, Wis.; (920) 832-6170
- **Brown County Library**, 515 Pine St., Green Bay, Wis.; (920) 448-4381, Ext. 394
- **Door County Library**, 107 S. Fourth Ave., Sturgeon Bay, Wis.; (920) 743-6578
- **Oneida Community Library**, 201 Elm St., Oneida, Wis.; (920) 869-2210
- **Oshkosh Public Library**, 106 Washington Ave., Oshkosh, Wis.; (920) 236-5200



An administrative record, which contains detailed information upon which the selection of the final site cleanup plan will be based, is also available for review at two DNR offices: 801 E. Walnut St., Green Bay, Wis. and 101 S. Webster St., 3rd Floor, Madison, Wis. An administrative record is also available at the EPA Record Center, 77 W. Jackson Blvd., 7th Floor, Chicago, Ill.



Prepared by the Fox River Intergovernmental Partnership: Wisconsin Department of Natural Resources, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Menominee Indian Tribe of Wisconsin, Oneida Tribe of Indians of Wisconsin, and National Oceanic and Atmospheric Administration. Supporting agencies include the Wisconsin Department of Health and Family Services, the U.S. Agency for Toxic Substances and Disease Registry, and the U.S. Army Corps of Engineers.

Disclaimer: The opinions expressed in these articles are solely those of the authors and are not necessarily shared by all members of the Fox River Intergovernmental Partnership.

INSIDE FOX RIVER CURRENT

NRDA Agreement with Georgia-Pacific Announced	1
Spotlight On: Grand Calumet River	2
Georgia-Pacific Settlement To Help Protect Area Wetlands, Habitat	4
Michigan Attorney General Joins Natural Resource Trustees	5
Out and About...	5
Profile On... Tom Nelson	6
Information Repository Locations	7
Web Site Addresses	7
Fact Sheet on Georgia-Pacific NRDA Settlement	Insert

Fox River Current is published bimonthly by the Fox River Intergovernmental Partnership. Its purpose is to provide up-to-date information about cleanup and restoration efforts on the Lower Fox River. Call Greg Swanson at (608) 264-6024 to request a subscription or alternative format. Feedback on articles and ideas for future issues are welcome. Send comments to Greg Swanson, *Fox River Current*, DNR, CE/6, P.O. Box 7921, Madison, WI 53707 or e-mail <swansg@dnr.state.wi.us>

Reproduced on Recycled Paper



Georgia-Pacific NRDA Settlement Fact Sheet

Georgia-Pacific Corp. through its subsidiary, the Fort James Operating Company, and the Lower Fox River natural resource trustees announced on June 20, 2002, that they have reached an agreement concerning Georgia-Pacific's role in natural resource damage claims stemming from the presence of polychlorinated biphenyls in the Fox River. The natural resource trustees are the Wisconsin Department of Natural Resources, Oneida Tribe of Indians of Wisconsin, Menominee Indian Tribe of Wisconsin, and the U.S. Fish and Wildlife Service representing the federal trustees. This agreement does not resolve Georgia-Pacific's liability in the PCB cleanup, which is being addressed separately.

The agreement calls for Georgia-Pacific to fund and/or help implement a series of land purchase, recreational and environmental restoration projects in the Green Bay area.

Land Purchase

The land purchase features the acquisition of 1,063 acres of ecologically-significant threatened habitat on the west shore of Green Bay. This property will be turned over to the state and set aside from future development, and used to enhance and protect wetland wildlife habitat and feeding grounds, spawning areas for fish, and nursery areas for fish, waterbirds and shorebirds. The property includes:

- Approximately 900 acres along the shores of the Peshtigo River, which gives the state almost contiguous ownership from Peshtigo to the mouth of the river at Green Bay.
- Approximately 75 acres of Green Bay shoreline immediately to the south of the Peshtigo River.
- Approximately 50 acres near Long Tail Point and within the Green Bay West Shore Wildlife Area.
- Approximately 38 acres near the Suamico River and adjoining Sensiba Wildlife Area.

Recreational Projects

The recreational projects will provide expanded recreational opportunities for nearly everyone who uses northeastern Wisconsin's parks, rivers, lakes and streams. The 11 projects within seven municipalities in Brown County that will be implemented as a result of this settlement, selected cooperatively through the trustees with the local governments, include:

- Acquisition of a designated 30-acre parcel for a park in the village of Allouez immediately west of the East River. The park project includes site preparation, landscaping, a picnic area, about 870 feet of trail, an access road and parking lot, a boat launch or canoe landing, and a fishing pier.
- Construction of a 1,000-foot-long, 12-foot-wide paved scenic trail along the west side of the East River that will serve as the Allouez portion of the East River Trail Development Project.
- Construction of a 1-mile-long, 12-foot-wide paved scenic trail along the west side of the Fox River on land to be acquired by the village of Ashwaubenon. This trail, to be known as the Fox River Riverwalk, connects the National Railroad Museum and Ashwaubomay Park and will have benches and picnic tables located along it to provide views of the river.
- Improvement of an existing trailhead facility at the north end of the East River Parkway Trail at Westminster Drive in the town of Bellevue. The improvements will consist of street improvements, a parking lot, a shelter and picnic tables.
- Acquisition of river frontage or easements along the East River and construction of a 12-foot-wide, 3,000-foot-long asphalt paved pedestrian/bike trail between Manderly Way and Hoffman Road in the town of Bellevue.

- Construction of a new 2,156-square-foot multi-purpose building, a marsh overlook platform and five miles of trail in the 460-acre L.H. Barkhausen Waterfowl Preserve on the shore of Green Bay in the village of Howard. The multi-purpose building will have an activity room for nature-related educational exhibits and programs, a small greenhouse and other areas needed for preserve management and upkeep. The public observation platform will overlook the wetland and the bay, providing unique opportunities for nature watching. The 10-foot-wide trail will be paved with crushed stone, allowing for biking on the trails and increased access for visitors with mobility impairments.

- Renovation of the currently unusable boat launch facility located on property owned by the city of DePere at the Brown County Fairgrounds, construction of a floating dock, an improved access road and parking lot and a $\frac{3}{4}$ -mile trail.
- Construction of a 4,400-foot-long, 12-foot-wide paved scenic trail along the west side of the East River, as the DePere portion of the East River Development Project. The goal of the East River Development Project is to eventually connect several communities to the Fox River Trail System on the east side of the Fox River.
- Construction of a 500-foot-long, 8-foot-wide paved scenic trail, a boat dock/canoe-kayak launch and/or fishing pier and parking at Leicht Park in Green Bay. The park is currently being planned for a 2.6-acre site on the west bank of the Fox River, just north of Main Street. The city plans to add multiple additional facilities to the park to create a waterfront location for downtown picnicking, community special events, recreation and watercraft activities.
- Construction of a barrier-free fishing pier on the shore of the Fox River near Porlier Street in Green Bay.

- Acquisition and development of two designated parcels on Bayshore Drive in the village of Howard. The land will be developed into a 27-acre park with the removal and relocation of existing buildings on the property, landscaping, improved boat launch access and parking, a picnic shelter, a 500-foot-long, 8-foot-wide trail and various other amenities.

Environmental Restoration Projects

The environmental restoration projects will provide for specific habitat restoration, land acquisition and water-quality efforts. Those projects include:

- Dedicated funding toward the local share of the reconstruction of the Cat Island Chain.
- Dedicated funding toward yellow perch restoration investigations in Green Bay.
- Dedicated funding for the spotted musky restoration project in Green Bay.
- Dedicated funding for the northern pike habitat restoration projects.
- Dedicated funding for a feasibility investigation and design of the Oneida Lake project.

Additionally, FWS and DNR will be reimbursed for NRDA expenses and the U.S. Environmental Protection Agency will be reimbursed for expenses incurred in the oversight of the Sediment Management Unit 56/57 PCB-contaminated sediment removal pilot project.

